

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-005582-001 DT

06/11/2009

HON. SALLY S. DUNCAN

CLERK OF THE COURT
M. Cabral
Deputy

STATE OF ARIZONA

ALLISTER R ADEL

v.

JASON BRADLEY WHARTON (001)

MICHAEL G BAILEY

APO-PLEAS-CCC
VICTIM SERVICES DIV-CA-CCC

PLEA AGREEMENT/CHANGE OF PLEA

8:45 a.m.

State's Attorney:	Michael Anderson
Defendant's Attorney:	Michael Bailey
Defendant:	Present
Court Reporter:	Scott Kindle

The Court reviews the Plea Agreement with Defendant. The Court advises Defendant of the range of possible sentence and the availability of probation, and any special conditions of sentencing and probation. The Court advises Defendant of all pertinent constitutional rights and rights of review.

Defendant enters a plea of Guilty to the following:

OFFENSE: Count 1: Aggravated Driving or Actual Physical Control While Under the
Influence of Intoxicating Liquor or Drugs
Class 4 Felony

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A.R.S. § 28-1381(A)(1), 28-1383(A)(1), 28-3001, 28-3304, 28-3305, 28-3315, 28-1383(J), 28-1444, 28-1461, 13-701, 13-702, 13-702.01 and 13-801

Date of Offense: 09/17/2007

Non Dangerous - Non Repetitive

IT IS ORDERED accepting the plea.

Defendant having waived applicable time limits,

IT IS ORDERED setting Sentencing for July 17, 2009 at 4:00 p.m. in this division. **SEE LATER.**

IT IS FURTHER ORDERED that the following will be deemed submitted at the time of sentencing: Motion To Dismiss Count 2 as reflected in the Plea Agreement.

IT IS ORDERED the Adult Probation Department shall prepare a supplemental Presentence Report, and that Defendant shall report to the Adult Probation Department if not in custody.

Note: A Presentence Report/Probation Violation Report was previously prepared in CR2008-161736-001 and CR2006-103378-001.

IT IS ORDERED vacating any pending dates.

IT IS FURTHER ORDERED remanding the Defendant pursuant to Rule 7.2(b) pending sentencing. **SEE LATER**

9:11 a.m. Matter concludes.

LATER:

9:31 a.m. Court reconvenes. State is represented by Michael Anderson. Defendant is present and represented by Michael Bailey.

Court reporter, Scott Kindle, is present.

Defense counsel presents to the Court a picture on a cell phone with respect to Defendant's medical condition.

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Defense counsel further advises the Court that he contacted the assigned Maricopa County Attorney and she has no position with respect to Court remanding the Defendant on this date.

Defense counsel further advises the Court of defendant's pending medical appointments.

Based on the discussions held on this date,

IT IS ORDERED vacating the Court's order with respect to acceptance of the plea.

IT IS FURTHER ORDERED deferring acceptance of the plea until the time of sentencing.

IT IS ORDERED setting acceptance of plea and sentencing for **July 17, 2009 at 4:00 p.m.**, before Judge Duncan.

IT IS FURTHER ORDERED affirming prior release orders.

IT IS FURTHER ORDERED revoking Defendant's driver's license and that Defendant not operate a motor vehicle without a valid driver's license.

LET THE RECORD REFLECT that the Defendant surrenders to the Court this date his State of Arizona Driver's License No. D01083176, Class D Operator, issued 10/25/2007. Said driver's license is destroyed by the Court this date.

The Disposition Clerk is directed to forward a certified abstract and copy of the Sentencing minute entry to the State of Arizona Motor Vehicle Division.

9:34 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>